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*Attorneys for Plaintiffs  
Nanya Technology Corp. and  
Nanya Technology Corp. U.S.A.*

DISTRICT COURT OF GUAM

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP. U.S.A.

Plaintiffs,

vs.

FUJITSU LIMITED and FUJITSU  
MICROELECTRONICS AMERICA,  
INC.

Defendants.

No. CV-06-00025

**PLAINTIFFS' REPLY TO  
DEFENDANTS' RESPONSE TO  
PLAINTIFFS' REQUESTED HEARING  
DATE ON DEFENDANTS' MOTIONS  
TO DISMISS**

**I.**

**PLAINTIFFS HAVE NOT WAIVED THEIR RIGHTS TO FILE  
OPPOSITION BRIEFS OR SUBMIT EVIDENCE AS THE COURT HAS  
NOT SET THE MOTIONS FOR ORAL ARGUMENT PURSUANT TO  
LOCAL RULE 7.2(e)(2)**

Local Rules of Practice for the District Court of Guam, Territory of Guam, dictate local  
practice and procedure. Local Rule 7.2(e)(2), titled *Request for Oral Argument; Agreement of*

**FILED**

DISTRICT COURT OF GUAM

JAN - 5 2007 ✕

MARY L.M. MORAN  
CLERK OF COURT

1 *Oral Argument Date*, states in relevant part:

2 If the parties do not agree on a date for oral argument, the requesting party may  
 3 submit the 'Agreement of Hearing Date' to the Court with a notation that the  
 4 non-requesting party does not agree, in which event the Court **shall** either  
 5 determine the hearing date or determine that no oral argument shall be  
 6 scheduled and the motion shall proceed to briefing and disposition under Local  
 7 Rule 7.1(d)(2), in the Court's discretion.

8 On December 11, 2006, counsel for Defendant Fujitsu Microelectronics of America,  
 9 Inc. ("FMA") filed a Non-Agreement of Hearing Date for Fujitsu Microelectronics of America,  
 10 Inc.'s Motion to Dismiss or Transfer to the Northern District of California and For a More  
 11 Definite Statement. (Dkt. No. 91.) In that filing, FMA correctly states that Plaintiffs do not  
 12 agree to the January 17, 2007 hearing date for FMA's motions to dismiss but that Plaintiffs'  
 13 counsel **does agree** that a hearing is necessary. (Dkt. No. 86, at 2, ¶ 3, lines 8-13). Under the  
 14 Local Rule 7.2(e)(2), the Court will set a hearing for oral argument on FMA's motion to  
 15 dismiss or make a determination that no oral argument is needed. Thus, Plaintiffs could not  
 16 have "ignored" their deadline to respond to FMA's motion. Rather, FMA's claim that Plaintiffs  
 17 waived their right to respond to FMA's motion to dismiss ignores the Local Rules.

18 Additionally, on December 18, 2006, counsel for Fujitsu Limited requested oral  
 19 argument on its Motion to Dismiss or Transfer to the Northern District of California and for a  
 20 More Definite Statement. (Dkt. No. 89 at 1.) That same date, counsel filed a non-agreement of  
 21 hearing date for that same motion. (Dkt. No. 91.) Fujitsu Ltd.'s counsel indicated that he tried  
 22 to confer with Plaintiffs' counsel regarding a hearing date and would "inform the Court of  
 23 plaintiffs' position" after hearing from Mr. Razzano as required by Local Rule 7.2(e)(2). As  
 24 counsel for Defendants are now aware of Plaintiffs' position—that the January 17, 2007 hearing  
 25 date is premature—counsel should file an Amended Non-Agreement of Hearing Date and wait  
 26 for a determination from the Court regarding the necessity of oral argument. After the Court  
 27 determines that oral argument is necessary and sets a hearing, then the clock begins to run on  
 28 the opposition and reply briefs. Plaintiffs have not waived anything.

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## II.

**PLAINTIFFS ARE NOT DELAYING THE HEARING  
AND HAVE SERVED JURISDICTIONAL DISCOVERY**

Defendants' assertion that Plaintiffs are seeking to delay this case or delay the hearing is untrue. In order to delay a hearing, the Court must have first set the hearing. The Court has not done so. Thus, Plaintiffs cannot delay a hearing that has not been set.

Further, Plaintiffs have already begun jurisdictional discovery. On December 14, 2006, Plaintiffs served Defendants with Plaintiffs' First Request for Production to FMA. (Ex. A, Pl.s' First Req. for Prod.) FMA's responses to these discovery requests are due just before FMA's requested hearing date. Thus, the January 17, 2007 hearing date is premature.

Plaintiffs are not only seeking jurisdictional discovery regarding the spot market for SDRAM<sup>1</sup>, but for evidence of infringement as well. Jurisdiction is clearly present in the place where the infringing sales are made. *Commissariat a l'Energie Atomique v. Chi Mei Optoelectronics, Corp.* 395 F.3d 1315 (Fed. Cir. 2005). Therefore, Plaintiffs are entitled to jurisdictional discovery upon Plaintiffs making factual allegations that discovery would reveal FMA's and Fujitsu Limited's contacts with Guam. *Id.* at 1323 (holding that the district court abused its discretion by failing to allow jurisdictional discovery to assist the court in making the jurisdictional determination.) Further, Plaintiffs plan to submit a motion with citations to ample authority asking the Court to increase the number of interrogatories so that it may conduct further discovery to aid the Court in making a jurisdictional determination.

Plaintiffs are not trying to delay the determination of Defendants' Motions to Dismiss, and instead look forward to presenting its case to a Guam jury as soon as possible. But Plaintiffs are entitled to conduct and are in the process of conducting jurisdictional discovery to

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<sup>1</sup> FMA claims that because it and Fujitsu Limited do not sell SDRAM to the spot market, discovery on this issue is irrelevant. But that does not address the real issue. Nanya sells SDRAM to the spot market. Fujitsu's unlawful licensing practices and anticompetitive conduct, as set forth in Plaintiffs' Amended Complaint, affect commerce and could prevent Nanya from selling its SDRAM to the spot market and other relevant markets. Plaintiffs intend to show that this conduct will affect Guam consumers.

1 aid the Court in making its jurisdictional ruling. Thus, the January 17, 2007 hearing date  
2 regarding Defendants' motions to dismiss is premature.

3 **III.**

4 **CONCLUSION**

5 Plaintiffs respectfully request that the Court set the Motions filed by Defendants for oral  
6 argument in accordance with Plaintiffs' Requested Hearing Date or make a determination under  
7 Local Rule 7.2(e)(2) that oral argument is not necessary and issue a briefing schedule. Or in the  
8 alternative, the Court should deny Fujitsu Limited's objection to the Magistrate's Order in  
9 summary fashion.

10 RESPECTFULLY submitted this 5th day of January, 2007.

11 **TEKER TORRES & TEKER, P.C.**

12  
13 By   
14 **JOSEPH C. RAZZANO, ESQ.**  
15 Attorneys for Plaintiffs  
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# EXHIBIT “A”

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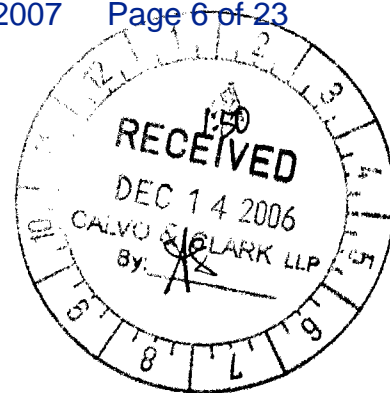
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*Nanya Technology Corp. and*  
*Nanya Technology Corp. U.S.A.*



**IN THE DISTRICT COURT OF GUAM**

**NANYA TECHNOLOGY CORP., and**  
**NANYA TECHNOLOGY CORP. U.S.A.,**

**Plaintiffs,**

**vs.**

**FUJITSU LIMITED, FUJITSU**  
**MICROELECTRONICS AMERICA, INC.,**

**Defendants.**

**CIVIL CASE NO. CV06-00025**

**PLAINTIFF'S FIRST REQUEST FOR**  
**PRODUCTION OF DOCUMENTS**  
**TO DEFENDANT FUJITSU**  
**MICROELECTRONICS**  
**AMERICA, INC.**

**To: Defendant, Fujitsu Microelectronics America, Inc., by and through its attorneys of record, Calvo & Clark, LLP.**

Plaintiff hereby requests, pursuant to Rule 34 of the Federal Rules of Civil Procedure ("FRCP"), that Defendant, Fujitsu Microelectronics America, Inc. ("Defendant FMA"), produce and permit

Plaintiff's attorneys to inspect and to copy each of the following documents belonging to or in the possession of Defendant FMA.

These requests shall be deemed to be continuing and any additional information or documents relating in any way to these requests that you acquire subsequent to the date of answering these requests and up to and including the time of trial shall be furnished, promptly after such information or documents are acquired, as supplemental responses to these requests.

### **DEFINITIONS**

1. "Documents" means the original and any non-identical copy of all "writings," "recordings" and "photographs" as those terms are defined in the FRCP including, but not limited to letters, facsimile communications, electronic mail ("e-mail") communications, telegraphs, cablegrams, telexes, memoranda, notes, records, reports, studies, calendars, diaries, agenda, minutes, books, pamphlets, periodicals, newspaper clippings, graphs, index, charts, tabulations, statistical accumulations, ledgers, financial statements, accounting entries, press releases, contracts, affidavits, transcripts, legal documents, records of meeting and conferences, records of conversation and telephone calls, still photographs, video tapes, motion pictures, tape recordings, microfilm, punch cards, programs, printouts, lie detector techniques and the written information necessary to understand and use such films and records.

2. A document "relating to" or that "relates to" any given subject means any document that in whole or in part constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation, document concerning the preparation of other documents.

3. The pronoun "you" refers to each Defendant and the party answering this Request for Production, their agents and representatives.0

4. The term "dynamic memory chip" means any and all computer memory chips that utilize Dynamic Random Access Memory ("DRAM"), that FMA makes, uses, sells, offers for sale or that

are made, used, sold, or offered for sale by FMA in the United States, including the territory of Guam, or imported by FMA into the United States, including the territory of Guam, whether directly or indirectly through an affiliate, consumer, or partner, during the six years prior to the filing of this patent infringement action.

5. “Plaintiff” includes Nanya Technology Corp. and Nanya Technology Corp. U.S.A., all its subsidiaries, parents and affiliates, and all officers, directors, employees, agents, and any other person acting on its behalf.

6. “Defendant” includes Fujitsu Microelectronics America, Inc. (“FMA”), all its subsidiaries, parents, including Fujitsu Ltd., and affiliates, and all officers, directors, employees, agents, and any other person acting on its behalf.

7. “Communication” means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

8. “Identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment and employment title. Once a person has been identified in accordance with this definition, only the name of that person need be listed in response to subsequent requests requiring the identification of that person.

9. “Person” is defined as any natural person or any business, legal or governmental entity or association.

10. “Concerning” means relating to, inferring to, describing, evidencing, or constituting.

11. The conjunctions “and” and “or” shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside its scope.



**INSTRUCTIONS**

12. Under Rule 34 of the Federal Rules of Civil Procedure, Defendant FMA is required to produce the documents as they are kept in the usual course of business or to organize and label them to correspond with the categories of this request. Accordingly, whenever a document or group of documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, Plaintiff requests Defendant FMA to attach thereto a copy of the label on the file folder, file drawer, file box, or notebook from which the document or group of documents was removed.

13. For the purposes of this instruction, persons shall be identified by giving their title and business address both at the time the document was generated by or made available to them and at the present, as well as their name and present home address, to the extent known.

14. If you are aware of any document otherwise responsive to these requests, which document is no longer in your custody or control, identify the name and title of the author, the name and title of the addressee, the date of the document, the subject matter of documents, the last date on which the document was in your control, the person(s) or entity, if any, now in control of the document, the reasons for your disposition or release of the document, all persons who have knowledge of the circumstances surrounding its disposition, and state what knowledge each person has on which document was in your control, the person(s) or entity, if any, now in control of the document, the reasons for your disposition or release of the document, all persons who have knowledge of the circumstance surrounding its disposition, and state what knowledge each such person be.

15. Reference to the singular includes the plural and reference to the plural includes the singular.

16. All claims of privilege and refusal to produce documents based upon any other doctrine (such as the attorney-work product doctrine, etc.) shall be made in conforming the

Guam Rules of Civil Procedure and shall include the following information in your statement of the basis for any document so withheld or redacted:

- a. the date of the document;
- b. the number of pages, attachments, and appendices;
- c. the identity of its author, authors or preparers;
- d. the identity of each person who was sent, shown, blind, dash or carbon copied on, or had custody of such documents; and
- e. subject matter of each such document, and in the case of any document relating to or referring to a meeting or conversation, identification of such meeting or conversation.

17. If any document or tangible thing requested herein was at one time in existence, but has been lost, discarded or destroyed, or otherwise is no longer available, identify such document or thing as completely as possible, providing as much of the following information as possible:

- a. the type of document or thing;
- b. its date.
- c. the date or approximate date it was lost, discarded, destroyed, or otherwise became no longer available;
- d. the circumstances and manner in which it was lost, discarded, destroyed, or otherwise became no longer available;
- e. the reason for, or reasons for, the disposing of the document;
- f. the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document or things;

g. the identity of the person(s) who lost, discarded or destroyed the document or thing; and

h. the identity of all persons having knowledge of the contents thereof.

18. Unless otherwise specified herein, this request calls for all documents generated, prepared or received, or that refer to or relate to any events in the period from January 1, 2003 up to and including the date of this request.

19. To the extent permitted by the Federal Rules of Civil Procedure, these requests shall be deemed continuing so as to require prompt further and supplemental production if you locate or obtain possession, custody or control of additional responsive documents at any time prior to trial.

20. Plaintiff reserves the right to request additional documents.

### **REQUEST FOR PRODUCTION**

**REQUEST NO. 1:** Documents listing each and every camera manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 2:** Documents listing each and every camera that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 3:** Documents listing each and every contract entered into within the last six years between FMA and a camera manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 4:** Documents listing each and every request made within the last six years by a camera manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 5:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a camera manufacturer.

**REQUEST NO. 6:** Documents listing each and every mobile phone manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 7:** Documents listing each and every mobile phone that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 8:** Documents listing each and every contract entered into within the last six years between FMA and a mobile phone manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 9:** Documents listing each and every request made within the last six years by a mobile phone manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 10:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a mobile phone manufacturer.

**REQUEST NO. 11:** Documents listing each and every Personal Digital Assistant ("PDA") manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 12:** Documents listing each and every PDA that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 13:** Documents listing each and every contract entered into within the last six years between FMA and a PDA manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 14:** Documents listing each and every request made within the last six years by a PDA manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 15:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a PDA manufacturer.

**REQUEST NO. 16:** Documents listing each and every personal computer manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 17:** Documents listing each and every personal computer that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 18:** Documents listing each and every contract entered into within the last six years between FMA and a personal computer manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 19:** Documents listing each and every request made within the last six years by a personal computer manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 20:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a personal computer manufacturer.

**REQUEST NO. 21:** Documents listing each and every notebook computer manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 22:** Documents listing each and every notebook computer that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 23:** Documents listing each and every contract entered into within the last six years between FMA and a notebook computer manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 24:** Documents listing each and every request made within the last six years by a notebook computer manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 25:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a notebook computer manufacturer.

**REQUEST NO. 26:** Documents listing each and every television manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 27:** Documents listing each and every television that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 28:** Documents listing each and every contract entered into within the last six years between FMA and a television manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 29:** Documents listing each and every request made within the last six years by a television manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 30:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a television manufacturer.

**REQUEST NO. 31:** Documents listing each and every DVD player manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 32:** Documents listing each and every DVD player that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 33:** Documents listing each and every contract entered into within the last six years between FMA and a DVD player manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 34:** Documents listing each and every request made within the last six years by a DVD player manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 35:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a DVD player manufacturer.

**REQUEST NO. 36:** Documents listing each and every car stereo manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 37:** Documents listing each and every car stereo that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 38:** Documents listing each and every contract entered into within the last six years between FMA and a car stereo manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 39:** Documents listing each and every request made within the last six years by a car stereo manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 40:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a car stereo manufacturer.

**REQUEST NO. 41:** Documents listing each and every automobile manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 42:** Documents listing each and every automobile that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 43:** Documents listing each and every contract entered into within the last six years between FMA and an automobile manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 44:** Documents listing each and every request made within the last six years by an automobile manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 45:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for an automobile manufacturer.

**REQUEST NO. 46:** Documents listing each and every LCD display manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 47:** Documents listing each and every LCD display that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 48:** Documents listing each and every contract entered into within the last six years between FMA and an LCD display manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 49:** Documents listing each and every request made within the last six years by an LCD display manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 50:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for an LCD display manufacturer.

**REQUEST NO. 51:** Documents listing each and every climate control unit manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 52:** Documents listing each and every climate control unit that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 53:** Documents listing each and every contract entered into within the last six years between FMA and a climate control unit manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 54:** Documents listing each and every request made within the last six years by a climate control unit manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 55:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a climate control unit manufacturer.



**REQUEST NO. 56:** Documents listing each and every printer manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 57:** Documents listing each and every printer that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 58:** Documents listing each and every contract entered into within the last six years between FMA and a printer manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 59:** Documents listing each and every request made within the last six years by a printer manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 60:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a printer manufacturer.

**REQUEST NO. 61:** Documents listing each and every copier manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 62:** Documents listing each and every copier that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 63:** Documents listing each and every contract entered into within the last six years between FMA and a copier manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 64:** Documents listing each and every request made within the last six years by a copier manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 65:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a copier manufacturer.

**REQUEST NO. 66:** Documents listing each and every fax machine manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 67:** Documents listing each and every fax machine that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 68:** Documents listing each and every contract entered into within the last six years between FMA and a fax machine manufacturer involving an FMA dynamic memory chip.



**REQUEST NO. 69:** Documents listing each and every request made within the last six years by a fax machine manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 70:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a fax machine manufacturer.

**REQUEST NO. 71:** Documents listing each and every home stereo manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 72:** Documents listing each and every home stereo that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 73:** Documents listing each and every contract entered into within the last six years between FMA and a home stereo manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 74:** Documents listing each and every request made within the last six years by a home stereo manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 75:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a home stereo manufacturer.

**REQUEST NO. 76:** Documents listing each and every video game system manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 77:** Documents listing each and every video game system that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 78:** Documents listing each and every contract entered into within the last six years between FMA and a video game system manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 79:** Documents listing each and every request made within the last six years by a video game system manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 80:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a video game system manufacturer.

**REQUEST NO. 81:** Documents listing each and every land-line telephone manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 82:** Documents listing each and every land-line telephone that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 83:** Documents listing each and every contract entered into within the last six years between FMA and a land-line telephone manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 84:** Documents listing each and every request made within the last six years by a land-line telephone manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 85:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a land-line telephone manufacturer.

**REQUEST NO. 86:** Documents listing each and every microwave manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 87:** Documents listing each and every microwave that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 88:** Documents listing each and every contract entered into within the last six years between FMA and a microwave manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 89:** Documents listing each and every request made within the last six years by a microwave manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 90:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a microwave manufacturer.

**REQUEST NO. 91:** Documents listing each and every washing machine manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 92:** Documents listing each and every washing machine that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 93:** Documents listing each and every contract entered into within the last six years between FMA and a washing machine manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 94:** Documents listing each and every request made within the last six years by a washing machine manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 95:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a washing machine manufacturer.

**REQUEST NO. 96:** Documents listing each and every power supply manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 97:** Documents listing each and every power supply that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 98:** Documents listing each and every contract entered into within the last six years between FMA and a power supply manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 99:** Documents listing each and every request made within the last six years by a power supply manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 100:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a power supply manufacturer.

**REQUEST NO. 101:** Documents listing each and every network-enabled device manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 102:** Documents listing each and every network-enabled device that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 103:** Documents listing each and every contract entered into within the last six years between FMA and a network-enabled device manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 104:** Documents listing each and every request made within the last six years by a network-enabled device manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 105:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a network-enabled device manufacturer.

**REQUEST NO. 106:** Documents listing each and every home audio device manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 107:** Documents listing each and every home audio device that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 108:** Documents listing each and every contract entered into within the last six years between FMA and a home audio device manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 109:** Documents listing each and every request made within the last six years by a home audio device manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 110:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a home audio device manufacturer.

**REQUEST NO. 111:** Documents listing each and every graphic display device manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 112:** Documents listing each and every graphic display device that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 113:** Documents listing each and every contract entered into within the last six years between FMA and a graphic display device manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 114:** Documents listing each and every request made within the last six years by a graphic display device manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 115:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a graphic display device manufacturer.

**REQUEST NO. 116:** Documents listing each and every consumer electronics manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 117:** Documents listing each and every consumer electronic item that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 118:** Documents listing each and every contract entered into within the last six years between FMA and a consumer electronics manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 119:** Documents listing each and every request made within the last six years by a consumer electronics manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 120:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a consumer electronics manufacturer.

**REQUEST NO. 121:** Documents listing each and every contract entered into within the last six years between FMA and a government entity or government subcontractor, including military entities, involving an FMA dynamic memory chip.

**REQUEST NO. 122:** Documents listing each and every request made within the last six years by a government entity or government subcontractor, including military entities, for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 123:** Documents listing each and every proposal made within the last six years by government entity or government subcontractor, including military entities, to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a government entity or government subcontractor, including military entities.

**REQUEST NO. 124:** Documents listing each and every manufacturer that has purchased an FMA dynamic memory chip for use or incorporation in one of its products within the last six years.

**REQUEST NO. 125:** Documents listing each and every product that has used or incorporated an FMA dynamic memory chip within the last six years.

**REQUEST NO. 126:** Documents listing each and every contract entered into within the last six years between FMA and a manufacturer involving an FMA dynamic memory chip.

**REQUEST NO. 127:** Documents listing each and every request made within the last six years by a manufacturer for proposals from FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip.

**REQUEST NO. 128:** Documents listing each and every proposal made within the last six years by FMA to develop, manufacture, distribute, or otherwise produce an FMA dynamic memory chip for a manufacturer.

**REQUEST NO. 129:** All documents reflecting FMA's retention of any person as an employee, agent, or in any other capacity in Guam during the past five (5) years.

**REQUEST NO. 130:** All documents reflecting FMA's entry into any contract for the purchase or sale of merchandise within Guam during the past five (5) years.

**REQUEST NO. 131:** All documents reflecting performance of the contracts in the above Request for Production.

**REQUEST NO. 132:** All documents reflecting FMA's interest during the past five (5) years in any corporation that was qualified to do business or which had an office in Guam.

**REQUEST NO. 133:** All documents reflecting FMA's employment during the past five (5) years of individuals, whether resident or not, living or working in Guam.

**REQUEST NO. 134:** All documents reflecting FMA's employment during the past five (5) years of any sales agents or representatives of any kind who lived, worked or solicited business in Guam.

**REQUEST NO. 135:** All documents reflecting FMA's distributors, suppliers, partners or customers having offices in Guam during the past five (5) years.

**REQUEST NO. 136:** All documents reflecting FMA's maintenance during the past five (5) years of a telephone listing, or listed or used a post office box, or other mailing address in Guam.

**REQUEST NO. 137:** All documents reflecting FMA's representation by attorneys, for any purposes, who are admitted to practice in Guam.

**REQUEST NO. 138:** All documents reflecting FMA's rental, ownership, operation, or holding of any interest whatsoever (including by lease) of any personal property in Guam.

**REQUEST NO. 139:** All documents reflecting FMA's contracts for the sale of goods or services during the last five (5) years to any person or business entity located or having an office in Guam.

**REQUEST NO. 140:** All documents reflecting FMA's direct or indirect shipment of any goods or products or any goods or products incorporating FMA's dynamic memory chip into or through Guam during the last five (5) years.

**REQUEST NO. 141:** All documents reflecting the authorization of FMA, or FMA's affiliates or subsidiaries, to transact business within Guam within the past ten (10) years.

**REQUEST NO. 142:** All documents reflecting contracts between FMA and customers or FMA and partners in Guam.



**REQUEST NO. 143:** All documents reflecting each and every contact between FMA or FMA's affiliates or subsidiaries, or FMA's representative with residents of Guam within the last ten (10) years to the present, including, but not limited to, direct contact, such as telephone contact or correspondence, as well as advertisements of any sort.

**REQUEST NO. 144:** All documents reflecting attempts by FMA or FMA's affiliates or subsidiaries to solicit any business in Guam during the past ten (10) years.

**REQUEST NO. 145:** All documents reflecting attempts by FMA or FMA's affiliates or subsidiaries to solicit any individual in Guam during the past ten (10) years.

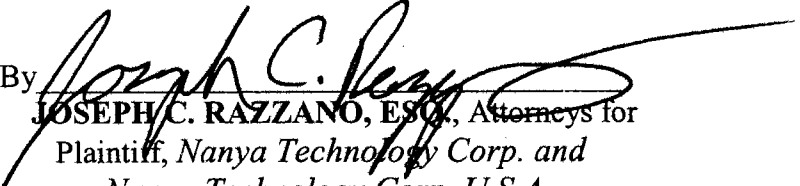
**REQUEST NO. 146:** All documents reflecting the total number of sales and gross annual amount of the sales, all direct sales made by FMA or FMA's affiliates or subsidiaries to customers in Guam or customers with operations in Guam for each of the last ten (10) years.

**REQUEST NO. 147:** All documents reflecting shipment of any merchandise into Guam on consignment by FMA or FMA's affiliates or subsidiaries during the past ten (10) years.

DATED at Hagåtña, Guam, this 14<sup>th</sup> day of December, 2006.

**TEKER TORRES & TEKER, P.C.**

By

  
**JOSEPH C. RAZZANO, ESQ.**, Attorneys for  
Plaintiff, *Nanya Technology Corp. and*  
*Nanya Technology Corp. U.S.A.*